



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2022

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.18492 of 2021

John Peter

...Petitioner

Vs.

1.The District Revenue Officer,
Sivagangai District.
Sivagangai.

2.The Thasildar,
Ilayangudi Taluk,
Sivagangai District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for records relating to the impugned order passed by the first respondent in his proceedings in pa.mu.c2.3729/2017, dated 12.02.2018, which was served on the petitioner on 07.09.2021, by the Public Information Officer, Collectorate, Sivagangai, vide the communication dated 02.08.2021 and quash the same and consequently direct the first respondent to issue joint patta in respect of the property comprised in Old S.No.87/2 - New S.No.246/2, measuring about 9 $\frac{3}{4}$ cents situated at Kattanur Village, Muthour Post, Ilayangudi Taluk, Sivagangai District, within a time frame fixed by this Court.

For Petitioner : Mr.B.Prahalad Ravi

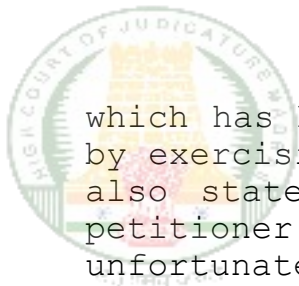
For Respondents : Mr.S.Kameswaran
Government Advocate

ORDER

The Writ Petition has been filed in the nature of Certiorarified Mandamus, seeking interference with an order passed by the first respondent/the District Revenue Officer, Sivagangai, dated 12.02.2018.

2.The only ground and as a matter of fact, the very effective ground taken by the learned Counsel for the petitioner is that the petitioner was not heard prior to the order being passed. It is stated that the petitioner was able to obtain a copy of the order,

<https://hcservices.ecourts.gov.in/hcservices/>



which has been filed along as a document to the Writ Petition, only by exercising his rights under the Right to Information Act. It was also stated that a notice had been served to the father of the petitioner. Subsequently, the father of the petitioner had unfortunately expired.

WEB COPY

3.Be that as it may, a duty was cast on the respondent to ensure that prior to pass any administrative order of any nature, the person affected must be heard. Judicial Review would not lie questioning the nature of an order, but, would certainly lie on the procedures adopted while passing such an order and among such procedures envisaged, the most important procedure is to ensure that there is opportunity granted to the party affected. That particular procedure had not been complied with in this case.

4.Therefore, without entering into the details of the merits of the case of the petitioner, the impugned order is set aside and matter is remanded back to the first respondent/the District Revenue Officer, who may issue notice to the petitioner/John Peter, S/o Thayanrasu @Thairiyarayar, Kattanur, Muthuor Post, Ilayangudi Taluk, Sivagangai District and give him opportunity of being heard and thereafter, pass a reasoned order. The first respondent is under an obligation to re-hear the entire matter and proceed further in manner known to law.

5.With the above direction, this Writ Petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Revenue Officer,
Sivagangai District.
Sivagangai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Thasildar,
Ilayangudi Taluk,
Sivagangai District.

+1 CC to M/s.B.PRAHALAD RAVI, Advocate (SR-878[F] dated
07/01/2022)

+1 CC to M/s.SPL.GP (SR-972[F] dated 10/01/2022)

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RD(25.01.2022) 3P 5C